

## **REMARKS**

By the present amendment, claims 18 to 35 are pending in the application.

### **Claim Objections**

Claims 1 to 17 were objected to because of informalities.

In response to the claim objections, claims 1 to 17 have been canceled by the present amendment and replaced with new claims 18 to 35.

New claims 18 to 35 are written in accordance with standard United States practice. Care has been taken to provide a clear antecedent basis for claim limitations and to avoid objectionable terms including "such as" and "or the like".

The subject matter of new claims 18 to 20 corresponds to the subject matter of original claims 1 to 3.

The subject matter of new claims 21 and 22 corresponds to the subject matter of original claim 4.

The subject matter of new claims 23 to 35 corresponds to the subject matter of original claims 5 to 17.

In new dependent claim 28, corresponding to original dependent claim 10, the depth of the plastic deformation has been changed from "5 mm or greater" to --not less than 0.05 mm--. This is supported in the specification, e.g., at page 16, lines 16 to 23.

New matter is not being presented by the present amendment.

In view of the present amendment, it is respectfully requested that the claim objections, as applied to the new claims, be withdrawn.

### **§102**

Claims 1 to 16 were rejected under 35 U.S.C. §102(a) as being anticipated by Japan No. '418.

The Office Action states at page 3: "Japanese '418, which contains different inventors (Tominaga Noriyoshi) claims identical subject matter as the instant claims (see claims in the translation of this reference provided by the applicant).

This rejection is respectfully traversed.

**Patentability**

The Patent Abstracts Of Japan, Copyright (c); 1998, 2003 Japan Patent Office, for Japanese Patent Publication No. 2003-113418 published April 18, 2003 (hereinafter "Abstract") lists at Item (72) the names of the co-inventors. A copy of the Abstract is attached hereto with an attached Rule 132 Declaration.

The first named co-inventor of JP '418 listed at Item (72) of the Abstract is TOMINAGA NORIYOSHI. The Abstract at Item (72) lists the names of the co-inventor's with the last name (family name) first and the first name last, which is the custom in Japan.

Attached is a Declaration Under 37 C.F.R. §1.132 executed by Mr. Tomonori Tominaga, a co-inventor of the above-identified patent application (hereinafter the "Tominaga Declaration"). The Tominaga Declaration states (1) Tomonori Tominaga is a co-inventor of the subject matter of Japanese Patent Publication No. 2003-113418; (2) the name TOMINAGA NORIYOSHI appearing at Item (72) of the Abstract is an error; and (3) the source of the error in Item (72) of the Abstract is not known.

In view of the Tominaga Declaration, it is submitted that Japan No. 2003-113418 published April 18, 2003 is not prior art under 35 U.S.C. §102(a) with respect to the above-identified patent application which was filed April 16, 2004.

It is therefore respectfully requested that the rejection under 35 U.S.C. §102(a) based upon Japan No. 2003-113418, as applied to claims 18 to 35 of the present amendment, be withdrawn.

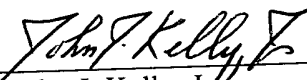
**CONCLUSION**

It is submitted that in view of the present amendment, the Tominaga Declaration and foregoing remarks, the application is now in condition for allowance. It is therefore respectfully requested that the application, as amended, be allowed and passed for issue.

Respectfully submitted,

KENYON & KENYON LLP

By:



John J. Kelly, Jr.

Reg. No. 29,182

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KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200